

04-12-01 A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TO/TI  
04/11/01  
U.S. PTO  
1040 U.S. PRO  
09/09/01

J1040 U.S. PRO  
09/09/01  
04/11/01

Docket No. TOM995/99795A  
Anticipated Classification of this application:

Class: 434 Subclass: 262  
Prior Application:

Examiner: Nguyen, S.  
Art Unit: 2877

Director of the United States Patent and Trademark Office  
Washington, D.C. 20231

**DIVISIONAL PATENT APPLICATION**  
**FILING UNDER 37 CFR §1.53(b) and §1.78(a)**

This is a request for filing a divisional application under 37 CFR §1.53(b) and §1.78(a), of pending prior application Serial No. 09/488,274, filed on January 20, 2000 of Virgil Thomas Yancy for **SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO DETERMINE AND COMMUNICATE OPTICAL LENS SIZING AND PRESCRIPTION INFORMATION.**

I hereby verify that the attached papers are a true copy of what is shown in my records to be the above-identified prior application, including the oath or declaration originally filed (37 CFR §1.78(a)).

The copy of the papers of prior application as filed which are attached are as follows:

29 pages of specification

6 pages of claims

1 page of abstract

"EXPRESS MAIL" Mailing Label No. EL197553268US, Date of Deposit: April 11, 2001  
I hereby certify that this paper or fee is being deposited with the United States Postal Service  
"Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated  
above and is addressed to the Director of the United States Patent and Trademark Office,  
Washington D.C. 20231 by Amy Miles.

Amy Miles  
1

5 pages of Appendix A

16 sheet(s) of drawings

3 pages of declaration and power of attorney

2 pages of Verified Statement Claiming Small Entity

1 page of Information Disclosure Statement

Cancel in this application original Claims 1 - 13 and 18 and 19 of the prior application before calculating the filing fee. Original Claims 14 through 17 remain.

The fee calculation is as follows:

Number Filed	Number Extra	Rate	Basic Fee \$710
Total Claims	<u>4</u> -20 = 0 x	\$ 18.00	\$
Independent Claims (37 CFR 1.16(b))	<u>1</u> - 3 = x	\$ 80.00	\$
Multiple dependent claim(s), if any (37 CFR 1.16(d))	x	\$270.00	

Filing Fee Calculation    \$710.00

Amend the specification by inserting before the first line the sentence:

-- This is a divisional application of co-pending Serial No. 09/488,274 filed on January 20, 2000. --

With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC §120 the inventor(s) in this application is the same.

The inventorship for all the claims in this application are the same.

Enclosed is a check in the amount of \$355.00 which covers the basic filing fee.

The Commissioner is hereby authorized to charge any fees which may be required by this paper and during the entire pendency of the application to Account No. 08-1500.

The power of attorney is to Mark G. Kachigian, Registration No. 32,840, of Head, Johnson & Kachigian, 228 West 17th Place, Tulsa, Oklahoma 74119, Telephone Number (918) 587-2000, member of the Bar of the State of Oklahoma. The power appears in the original papers in the prior application.

Address all future communications to:

Mark G. Kachigian  
Head, Johnson & Kachigian  
228 West 17th Place  
Tulsa, Oklahoma 74119  
Attorneys for Applicant

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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APPLICANT: YANCY )  
Serial No.: )  
Filed: 04/11/01 )  
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INFORMATION )  
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Examiner: NGUYEN, S. )

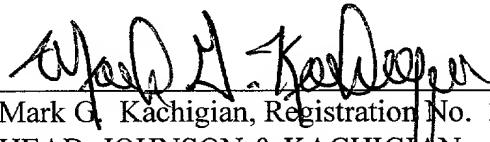
**REQUEST AND CERTIFICATION**

Director of Patent & Trademark Office  
Washington, D.C. 20231

Dear Sir:

I hereby certify that the above-referenced invention **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the above-referenced application not be published under 35 U.S.C. 122(b).

Respectfully submitted,

  
Mark G. Kachigian, Registration No. 32,840  
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ATTORNEYS FOR APPLICANT